



1995 ASSEMBLY BILL 1015

March 13, 1996 - Introduced by Representatives ROBSON, R. YOUNG and TURNER, cosponsored by Senator BURKE, by request of Mike Hansen and Citizens for Better Government. Referred to Committee on State Affairs.

1 **AN ACT to amend** 125.51 (10) and 125.68 (3) (intro.), (b) and (c); and **to create**
2 125.09 (2m) of the statutes; **relating to:** the required minimum distance
3 between an alcohol beverage retailer and a school.

Analysis by the Legislative Reference Bureau

Under current law, no city, village or town (municipality) may issue a license authorizing the retail sale of intoxicating liquor from premises having a main entrance within 300 feet of the main entrance of any church, hospital or public or parochial school. This minimum distance requirement does not apply if the church, hospital or school moved to within 300 feet of the licensed premises, to premises holding a license on the date the minimum distance requirement first took effect or to restaurants that derive less than 50% of their gross revenues from the sale of alcohol beverages. Also, the governing body of a municipality may, by a majority vote, waive the minimum distance requirement for any premises. Any license issued in violation of the minimum distance requirement is void.

This bill increases the minimum distance from which an alcohol beverage retailer may be located from a school from 300 to 500 feet and makes this minimum distance applicable to premises covered by all licenses and permits for the retail sale of intoxicating liquor, fermented malt beverages and wine (alcohol beverages). The bill also prohibits a municipality from issuing a license authorizing the retail sale of alcohol beverages from premises located within 500 feet of a private school. The bill retains the current exceptions to the minimum distance requirement.

For further information see the *state and local* fiscal estimate, which will be printed as an appendix to this bill.

The people of the state of Wisconsin, represented in senate and assembly, do enact as follows:

1 **SECTION 1.** 125.09 (2m) of the statutes is created to read:

2 125.09 **(2m)** RESTRICTIONS ON LOCATION. No Class “A”, “Class A” or “Class C”
3 license or a Class “B” or “Class B” license or permit may be issued for premises the
4 main entrance of which is less than 500 feet from the main entrance of any school,
5 as defined in sub. (2) (a) 2., except that this prohibition may be waived by a majority
6 vote of the governing body of the municipality in which the premises is located. The
7 distance shall be measured by the shortest route along the highway from the main
8 entrance of the school to the main entrance of the premises covered by the license or
9 permit. The prohibition in this subsection does not apply to any of the following:

10 (a) Premises covered by a license or permit on the effective date of this
11 paragraph [revisor inserts date].

12 (b) Premises covered by a license or permit prior to the occupation of real
13 property within 500 feet thereof by any school.

14 (c) A restaurant located within 500 feet of a school. This paragraph applies only
15 to restaurants in which the sale of alcohol beverages accounts for less than 50% of
16 their gross receipts.

17 **SECTION 2.** 125.51 (10) of the statutes is amended to read:

18 125.51 **(10)** TEMPORARY LICENSES. Notwithstanding ss. 125.68 (3) and 125.09
19 (2m), temporary “Class B” licenses may be issued to bona fide clubs, to county or local
20 fair associations or agricultural societies, to churches, lodges or societies that have
21 been in existence for at least 6 months before the date of application and to posts of
22 veterans’ organizations authorizing the sale of wine containing not more than 6%
23 alcohol by volume in an original package, container or bottle or by the glass if the
24 wine is dispensed directly from an original package, container or bottle at a
25 particular picnic or similar gathering, at a meeting of the post, or during a fair

1 conducted by the fair association or agricultural society. The amount of the fee for
2 the license shall be determined by the municipal governing body issuing the license,
3 except that it may not exceed \$10 and except that no fee may be charged to a person
4 who at the same time applies for a temporary Class "B" license under s. 125.26 (6)
5 for the same event. A license issued to a county or district fair licenses the entire
6 fairgrounds where the fair is being conducted and all persons engaging in retail sales
7 of wine containing not more than 6% alcohol by volume from leased stands on the
8 fairgrounds. The county or district fair to which the license is issued may lease
9 stands on the fairgrounds to persons who may engage in retail sales of wine
10 containing not more than 6% alcohol by volume from the stands while the fair is being
11 held.

12 **SECTION 3.** 125.68 (3) (intro.), (b) and (c) of the statutes are amended to read:

13 125.68 (3) RESTRICTIONS ON LOCATION. (intro.) No "Class A" or "Class B" license
14 or permit may be issued for premises the main entrance of which is less than 300 feet
15 from the main entrance of any ~~public or parochial school~~, hospital or church, except
16 that this prohibition may be waived by a majority vote of the governing body of the
17 municipality in which the premises is located. The distance shall be measured by the
18 shortest route along the highway from the main entrance of the ~~school~~, church or
19 hospital to the main entrance of the premises covered by the license or permit. The
20 prohibition in this subsection does not apply to any of the following:

21 (b) Premises covered by a license or permit prior to the occupation of real
22 property within 300 feet thereof by any ~~school~~, hospital or church building.

